

1908, by the Quinine-Whisky Company, from Louisville, Ky. A sample of this preparation was collected by the inspector and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and it was found that the preparation was misbranded within the meaning of section 8 of the act, as stated in the libel hereinbefore referred to and set out in full.

On December 19, 1908, the Secretary of Agriculture reported the facts to the United States attorney for the northern district of Illinois, who forthwith filed a libel for the seizure and condemnation of said goods, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., November 20, 1909.

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(N. J. 113.)

# **MISBRANDING OF FLOUR.**

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 300 One-quarter Barrels of Flour, 20 One-half Barrels of Flour, and 120 One-eighth Barrels of Flour, a proceeding of libel under section 10 of the act in the district court of the United States for the eastern district of North Carolina for seizure and condemnation of said flour for the reason that it was misbranded as to weight. The flour had been manufactured and shipped by the Riverton Mills Company, of Riverton, Va., to W. C. Brewer & Co., of Wake Forest, N. C. W. C. Brewer & Co., consignees and claimants, having appeared and admitted all the allegations of the libel, and the cause having come on for hearing on March 29, 1909, the court adjudged the goods misbranded and entered an order in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES, EASTERN DISTRICT OF NORTH CAROLINA, RALEIGH DIVISION.

United States of America *vs.* Three Hundred One-quarter Barrels of Flour; Twenty One-half Barrels of Flour; One hundred and twenty One-eighth Barrels of Flour, consigned by Riverton Mills Company, Riverton, Va., to W. C. Brewer & Co., Wake Forest, N. C., February 6, 1909, via the Norfolk and Western Railroad in Norfolk and Western car No. 61139, said flour being contained in sacks which according to size are

labeled one-eighth barrels, one-quarter barrels, and one-half barrels, indicating contents to be respectively twenty-four and one-half pounds, forty-nine pounds, and ninety-eight pounds; actual average weight of entire shipment was for the one-eighth barrel sacks twenty-four pounds; for the one-quarter barrel sacks forty-eight pounds; for the one-half barrel sacks ninety-six and two-tenths pounds.

This cause coming on to be heard at a special session of the United States district and circuit court on the 29th day of March, 1909, presided over by Honorable James E. Boyd, and it being represented to the court that the claimants, W. C. Brewer & Co., Wake Forest, N. C., admit all the allegations-contained in the libel filed in this cause and are willing that the said property and flour seized in this case be condemned as having violated section 8 of the Pure Food and Drugs Act of June 30, 1906;

And it further appearing to the court that the marshal of this district has returned as having seized of the flour and property above described 25  $\frac{1}{4}$ -barrel sacks flour; 11  $\frac{1}{4}$ -barrel sacks flour; 4  $\frac{1}{8}$ -barrel sacks flour, and 10  $\frac{1}{8}$ -barrel sacks flour, and that he has the same now in his possession;

It is now ordered and adjudged that the said flour now in the possession of the marshal of this district is condemned as being misbranded in violation of section 8 of the Pure Food and Drugs Act of June 30, 1906.

It is further ordered that the plaintiff recover of the defendant, W. C. Brewer & Co., the cost of this libel proceeding, to be taxed by the clerk of the court.

It is further ordered and adjudged that on the payment of the said cost of this proceeding and the execution of bond, Form B, as provided for in the sum of one hundred and fifty dollars, that the marshal is then directed by the court to turn over to the said claimant the flour seized in these proceedings and now in his possession.

March 29, 1909.

JAS. E. BOYD, *U. S. Judge.*

The facts in the case were as follows:

On or about March 15, 1909, an inspector of the Department of Agriculture found in the possession of W. C. Brewer & Co., Wake Forest, N. C., 300 one-fourth barrels, 20 one-half barrels, and 120 one-eighth barrels of flour, which had been shipped to the said W. C. Brewer & Co. by the Riverton Mills Company, Riverton, Va., on February 6, 1909, the sacks containing the same being labeled, " $\frac{1}{8}$  barrel," " $\frac{1}{4}$  barrel," and " $\frac{1}{2}$  barrel." The inspector weighed the entire shipment and found the average weight of the one-eighth barrel sacks to be 24 pounds, of the one-fourth barrel sacks, 48 pounds, and of the one-half barrel sacks, 96.2 pounds, making a total shortage of approximately 2 per cent. The Secretary of Agriculture on March 15, 1909, reported these facts to the United States attorney for the eastern district of North Carolina, who filed a libel for seizure and condemnation of the flour under section 10 of the act, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,

*Secretary of Agriculture.*

WASHINGTON, D. C., November 20, 1909.